



DUMFRIES, VIRGINIA

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17755 Main Street
Dumfries, Virginia 22026-2386
Tel: 703-221-3400 / Fax: 703-221-3544
www.DumfriesVirginia.org

DUMFRIES TOWN COUNCIL REGULAR SESSION MINUTES SEPTEMBER 20, 2011, 7:00 PM

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Jurgensen, Toney

Absent: Forrester

Others Present: Daniel Taber, *Interim Town Manager*; Christine Sanders, *Town Attorney*; Chief Forker, *Interim Chief of Police*; Greg Tkac, *Dir. of Public Works*; Debi Sandlin, *Dir. of Community & Economic Development*; David Moss, *Zoning Administrator*; Retta Ladd, *Deputy Town Clerk*; Teresa Johnson, *IT Manager*; O'Kelly Russell, *Planning Commission*; Don Little, *ARB*; Joann Barron, *HDV*; and approximately 16 citizens.

Mayor Yohey called the meeting to order at 7:00 PM.

Mr. Taber stated he would like to amend the agenda by adding under **Action Items, 8.e. Ginn Park Resolution-motion to reconsider**. Mr. Taber stated the only reason this needs to be done and re-voted on is because the grant states no one within a certain distance of the project can vote on the resolution.

Council Lady Jurgensen moved to add **Action Item 8.e. Ginn Park Resolution-motion to reconsider** to the agenda, seconded by Council Lady Barr; ayes: West, Foreman, Barr, Jurgensen, Yohey; abstain: Toney; absent: Forrester, motion carried.

CLOSED SESSION

Vice-Mayor West moved to enter closed session under Virginia Code § 2.2-3711A(1) Personnel regarding Town Attorney Contract; one remaining item requested by Councilman Foreman; Evaluation of Performance of Town Departments and Hiring of Town Manager and related issues, seconded by Council Lady Jurgensen, ayes: Jurgensen, Barr, Foreman, Toney, West, Yohey; absent: Forrester, motion carried.

Vice-Mayor West moved to enter open session and read certification of closed session, seconded by Council Lady Jurgensen; ayes: West, Toney, Foreman, Barr, Jurgensen, Yohey; absent: Forrester, motion carried.

Motions coming out of Closed Session

Vice-Mayor West made a motion to hire Mr. Daniel Taber as Town Manager with conditions as discussed in closed session, seconded by Council Lady Barr.

MINUTES OF REGULAR SESSION

September 20, 2011

Motions coming out of Closed Session (cont)

Councilman Toney stated he is concerned at how they arrived at this decision, hearing that his colleagues have had discussions, which he was not a part of. Councilman Toney stated there is no question that Mr. Taber will serve the town well; he is just concerned with the execution.

Mayor Yohey stated it was nothing intentional; an email went out to all Council members regarding this closed session item.

Vote: ayes: Jurgensen, Barr, Foreman, West, Yohey; abstain: Toney; absent: Forrester, motion carried.

Council Lady Barr moved to approve the Town Attorney contract as discussed in closed session, seconded by Council Lady Jurgensen, ayes: West, Toney, Foreman, Barr, Jurgensen, Yohey; absent: Forrester, motion carried.

Council Lady Jurgensen moved to direct the Town Manager to cancel the contract with Springsted regarding the search for a Town Manager, seconded by Council Lady Barr, ayes: Jurgensen, Barr, Foreman, Toney, West, Yohey; absent: Forrester, motion carried.

Mayor Yohey stated he would like to make a short comment before Citizen Comments that all citizen comments are limited to three minutes and comments only on non-agenda items, and please state your name and address.

CITIZEN COMMENTS

Derek Grier, Grace Church, 17889 Fraley Blvd., stated he had the pleasure of meeting with Mr. Taber and Ms. Sandlin and they had a very pleasant conversation on issues affecting the church.

Pastor Grier stated his office contacted most of Council and he wasn't able to set up a meeting with folks from this Council in order to get some clarity on items that pertained to them, so in the future it would be great if folks would be a little more responsive when asked to be spoken to, it eliminates confusion. Pastor Grier stated he did have a chance to speak with Councilman Foreman and he appreciates that.

Tracy Cox, Croppers Towing, stated she copied all Council on an email she sent to Mr. Moss regarding zoning; she received two responses besides Mr. Moss; Mr. Taber and Councilman Foreman. Ms. Cox stated she received no response from the majority of Council and she would like better communication.

Pastor Graham, of Church on the Rock, stated his concern for the town is community service. Pastor Graham stated he had worked with the town in the past in regard to programs for children, with a previous Community Services Director and the town needs to know that the churches are here to provide these services, so when the town makes changes in the future they need to consider the churches.

MINUTES OF REGULAR SESSION

September 20, 2011

CITIZEN COMMENTS (cont)

Fred Johnson stated in regard to Councilman Toney's statement earlier, he finds it peculiar that one out of seven Council members was not contacting regarding an agenda issue.

Councilman Foreman advised Mr. Johnson that other members were not contacted as well.

Debra Burns stated she too sent an email to all the Council members and her only response came from Councilman Foreman and Council Lady Forrester. Ms. Burns stated she finds that a little discouraging.

Terry Milton stated a house divided cannot stand. Mr. Milton stated the Council is not representing their constituents very well.

Debra Burns stated she wanted to comment that she did have a brief discussion with Councilman Toney.

MAYOR'S COMMENTS

Mayor Yohey stated he had no comments.

BOARDS & COMMISSIONS

a. **Planning Commission**-Mr. O'Kelly Russell stated the Planning Commission held their regular meeting September 12, 2011; held public hearing September 12, 2011 to consider a CUP for automobiles sales and service; First Town Center preliminary meeting (no formal application); October 17, 2011 draft summary of Comprehensive Plan.

Councilman Foreman asked Mr. Russell when a CUP comes to the Planning Commission how long do they have to act on the request.

Mr. Russell stated one hundred (100) days by State Code.

Councilman Foreman asked how many have taken 100 days.

Mr. Russell stated since he has been on the Planning Commission, none have taken 100 days.

Vice-Mayor West asked how is a church compatible with tire sales.

Mr. Russell stated they aren't compatible however the church's use of the building is limited.

Ms. Sandlin stated the church is in support of Reliable Tires occupying the bay area of their building, because they are having problems meeting their lease payment on their own.

b. **BZA**- Mr. Moss stated the Board of Zoning Appeals will meet September 21, 2011 there are no issues before the board so it will be an information meeting only.

MINUTES OF REGULAR SESSION

September 20, 2011

BOARDS & COMMISSIONS (cont)

c. **ARB-** Mr. Little stated the board met on September 13, 2011 and Mr. David Moss was introduced to the board. Mr. Little stated the board spent time reviewing the survey; discussed RFP to try and get interns for help (only three ARB members); discussed historic structures on Main Street (Sears homes).

Councilman Toney asked if the ARB had gone through the process to identify additional members.

Mr. Little stated yes. Ms. Sandlin stated they advertised with no results.

Mayor Yohey asked about qualifications. Ms. Sandlin stated they need to be a resident of the town.

Councilman Foreman asked if the survey was ready to be conducted.

Mr. Little stated no, they don't have the personnel to even start.

d. **HDV-** Ms. Barron provided her monthly report along with HDV's financial report. Ms. Barron reviewed her report with Council highlighting upcoming events.

Councilman Foreman thanked Ms. Barron for doing a great job.

Mayor Yohey asked Ms. Barron to go over the number of visitors again. Ms. Barron again read the breakdown of visitors.

Mayor Yohey asked Ms. Barron to check prior records for the park rentals; he doesn't recall that being reported before.

Ms. Barron stated she would; however she believes the park rentals have been reported previously.

STAFF REPORTS

a. **Treasurer's Report** – Mrs. Ladd stated the Treasurer's report was provided in Council packets; however if there are any questions she will try to answer them.

Council Lady Jurgensen asked if MDA has been paid. Ms. Sandlin stated yes.

Councilman Foreman had four line items he questioned, those being: **10-412-5800** Capital Outlay; and **10-415-4006** Town Hall, what had been paid out of those line items to date; and **10-442-0100** Director of Community Development Salary, the budgeted amount is only \$10,000.00; and **10-442-6200** Professional Contracts.

MINUTES OF REGULAR SESSION

September 20, 2011

STAFF REPORTS (cont)

a. **Treasurer's Report (cont)** - Mrs. Ladd advised Councilman Foreman that she would need to get back with him regarding the expenditures from line item 10-412-5800. Mr. Tkac advised Councilman Foreman that he would check out the expenditures to date for line item 10-415-4006. Mrs. Ladd advised Councilman Foreman that the Director of Economic & Community Development's salary is in to departments, 10-442-0100 and 10-413-0100; Mr. Tkac advised Councilman Foreman that most of these expenditures were from FY11 and fell into the 45 day after the end of the fiscal year and should be adjusted during the audit.

Mayor Yohey stated if Council has questions for the Treasurer or Department Heads, please ask them before the meeting.

Mr. Taber stated they will bring more documentation at the next meeting.

Councilman Foreman stated it's the same questions as last year; he wants to know if they have enough money to make it to the end of the year, if the answer is yes, fine, if the answer is no, then the question is why and the next question is are you going to properly plan for next year.

Mr. Taber stated just this week he discussed at the staff meeting the need to approach the budget a little bit differently and starting the budget process sooner, with more detail.

Councilman Foreman stated this year they passed a \$4.3 million dollar budget, the second highest budget they've had in five years.

Council Lady Barr did not agree with Councilman Foreman's statement.

There was discussion between Councilman Foreman and Council Lady Barr, with Council Lady Barr stating there were all kinds of grant monies in the budget and this was actually one of the lowest budgets.

Councilman Foreman disagreed with Council Lady Barr's statement and further discussion/comments were made.

Council Lady Jurgensen stated under **Election Costs**, zero was budgeted.

Mrs. Ladd advised Council Lady Jurgensen that Election Costs were moved to the Governing Body expenditures (10-411-5800) and \$2,500.00 was budgeted.

Vice-Mayor West asked that the answers to Councilman Foreman's questions be sent to all Council members.

Councilman Toney asked the Treasurer if there is anything she may want to bring to Council's attention regarding the town's finances. Mrs. Ladd stated no, except that between August and October it is a lean time of the year as far as revenue.

STAFF REPORTS (cont)

b. **Town Attorney Report** – Ms. Sanders stated her report was provided in Council packets and she stands prepared to answer any questions Council may have.

Vice-Mayor West stated she had a question concerning the last item on page one of her report, regarding ENS; Frontline and the DCJS grant.

Ms. Sanders stated she was trying to determine where the town stood in so far as their involvement in the first year of this grant. Ms. Sanders stated it is her understanding the town terminated their agreement with ENS and that perhaps there may be some equipment that was purchased with grant funds that should be returned to the town and the town is working with the auditor of DCJS to resolve the issues around that, and then to move forward with the second, third and fourth years of the grant.

Mr. Taber stated he and staff met with the DCJS auditor and as far as the town management of the grant, everything was fine, the auditor praised the town for that. Mr. Taber stated the question was with some receipting issues on the part of ENS and they are following up on those issues and the goal is to complete the cycle through December 31st and then submit a proposal for the next six months and then pick up the full year beginning July 1st of next year.

Mayor Yohey asked if the town is in compliance. Mr. Taber stated yes.

Councilman Toney asked if there were any court cases involving juveniles.

Ms. Sanders stated yes, mostly traffic.

Mr. Toney asked Ms. Sanders about the last item on her report, enforcement of nonpayment of business license taxes, do we have some businesses in that category.

Ms. Sanders stated one business in particular has raised the issue and has been brought to her attention in last couple weeks, there may be others, she doesn't know, she is doing the research on enforcement.

Councilman Foreman stated he has a question for the Town Manager before they leave **Staff Reports**.

Councilman Foreman stated Mrs. Garrison will be celebrating her 90th birthday in November and he would like to know the procedure in asking Council to support a proclamation in honor of Mrs. Elsie's 90th birthday.

Mr. Taber stated they will proceed to get the background information they need and he will put it on the agenda and proceed with Council.

Councilman Foreman stated on April 1, 2011 Mrs. Ladd provided a list of business licenses to Council. Councilman Foreman asked Mrs. Ladd if she would provide Council with an updated list of business licenses.

MINUTES OF REGUALR SESSION

September 20, 2011

STAFF REPORTS (cont)

Mrs. Ladd stated yes.

Councilman Foreman stated the July 5, 2011 minutes are missing; they are not on the website.

Mrs. Ladd advised Councilman Foreman that meeting was the last meeting attended by the previous Town Clerk. Mrs. Ladd stated she just has not had a chance to get to them and unfortunately the CD from that meeting did not work and the only thing she would have to go by is Ms. Koslicki's notes.

Councilman Foreman asked Mrs. Ladd if she would look into that and if we have to post nothing, we just need to put the reason why.

Councilman Foreman asked if a quarterly meeting had been scheduled with Mrs. Caddigan.

Mr. Taber stated not yet, but he will be talking with her shortly.

INFORMATION ITEM

a. Presentation of Ginn Park Project –Mr. Moss presented a slide show of the proposed park, which is a phased plan. Mr. Moss stated the presentation was provided by Mr. O'Kelly Russell a landscape architect.

Council Lady Barr thanked Mr. Russell for his services, and asked Mr. Moss how they plan to attach this to the application.

Mr. Moss stated it is a written conceptual plan.

Council Lady Jurgensen thanked Councilman Toney and Council Lady Barr for all their work on this committee.

Councilman Toney thanked Mr. Moss for the presentation and applauded Mr. Russell for his work on the plan. Councilman Toney also commented on the sign that has been placed on the property, saying it is a stately sign.

Council Lady Barr thanked staff for the sign.

Mayor Yohey stated he heard about the sign but doesn't know what it says.

Vice-Mayor West stated she went by yesterday to see the sign, but couldn't read it very well while driving, it states something about "future home".

Vice-Mayor West stated at one of Port of Dumfries HOA meeting, Wendy Pope mentioned a strip of land they wanted to donate to the town and stated the town should check to see if they are still willing to do that since it abuts the proposed Ginn Park property.

MINUTES OF REGULAR SESSION

September 20, 2011

INFORMATION ITEM (cont)

Councilman Toney stated the park belongs to the whole town, not just the abutting neighboring communities. Councilman Toney stated it was a pleasure working with Mr. Moss and Mr. Russell.

Mayor Yohey stated the town currently has two parks and this park would make the third. Mayor Yohey stated Garrison Park is on hold until Quantico Creek can be addressed, the monies spent on Garrison Park a few years ago literally went down the creek.

Council Lady Jurgensen asked if the grant needs to be submitted Monday. Mr. Moss stated yes. Council Lady Jurgensen asked when the town will know if they will receive the grant. Mr. Moss stated not until next year.

ACTION ITEMS

a. Proposed Ordinance Amendment to Section 70-247 relating generally to General Business District B-1, Use Regulations; second reading.

Mayor Yohey asked for a brief statement from Mr. Moss on the proposed amendment.

Ms. Sandlin stated there is no need for further comments.

Mayor Yohey stated he would like to hear what public comments were taken into consideration.

Mr. Moss reviewed the changes from comments received.

Mayor Yohey thanked Mr. Moss for doing what Council said they would do two weeks ago.

Mayor Yohey asked the Town Manager if he had any comments.

Mr. Taber stated no.

Mayor Yohey stated no matter what Council may do, they can't please everybody.

Mr. Taber stated this is the initial step in catching up; as mentioned before the zoning ordinance is a living document and is part of the much bigger picture, the "vision" and comp plan of the town.

Ms. Sanders stated the town is trying to come in compliance with their Comprehensive Plan.

Council Lady Barr thanked staff for putting together and providing the ordinances and the additional requested information and for putting it on the website.

Councilman Foreman read a statement, which is attached and made a part of these minutes.

ACTION ITEMS (cont)

a. Proposed Ordinance Amendment to Section 70-247 relating generally to General Business District B-1, Use Regulations; second reading.

Council Lady Jurgensen moved to approve the amendment to Section 70-247 relating generally to General Business District B-1, Use Regulations, seconded by Vice-Mayor West, ayes: West, Foreman, Barr, Jurgensen, Yohey; nays: Toney; absent: Forrester, motion carried.

Mr. Moss stated that the agenda packet has also been placed in a binder here at town hall for the public to review prior to meetings, as well as the website.

b. Proposed Ordinance Amendment to Section 70-281 and 70-282 relating generally to Neighborhood Business District B-2, Intent and Use Regulations; second reading.

Vice-Mayor West moved to accept the ordinance amendment to Section 70-281 and 70-282 relating generally to Neighborhood Business District B-2, Intent and Use Regulations, seconded by Council Lady Barr, ayes: Jurgensen, Barr, Foreman, West, Yohey; nays: Toney; absent: Forrester, motion carried.

c. Proposed Ordinance Amendment to Section 70-482 through 70-484 relating generally to Flex Business/Office District FB/O-1, Use Regulations; second reading.

Council Lady Barr moved to approve the amendment to ordinance Section 70-482 through 70-484 relating generally to Flex Business/Office District FB/O-1, Use Regulations, seconded by Council Lady Jurgensen, ayes: West, Foreman, Barr, Jurgensen, Yohey; nays: Toney; absent: Forrester, motion carried.

d. Proposed Ordinance Amendment by deleting Section 18-70 and amending Sections 18-140 through 18-174 relating generally to Massage Therapy and enacting Sections 18-175 through 18-183 relating to Massage Therapy; second reading.

Ms. Sanders read the proposed ordinance.

Council Lady Jurgensen moved to approve the ordinance as read by the Town Attorney, seconded by Vice-Mayor West, ayes: Jurgensen, Barr, Foreman, Toney, West, Yohey; absent: Forrester, motion carried.

e. Ginn Park Resolution – Motion to Reconsider

Council Lady Jurgensen moved to reconsider the Ginn Park Resolution for the CDBG, seconded by Council Lady Barr, ayes: West, Foreman, Barr, Jurgensen, Yohey; abstain: Toney; absent: Forrester, motion carried.

Council Lady Barr moved to approved the Ginn Park Resolution for the CDBG as presented on September 6, 2011, seconded by Council Lady Jurgensen, ayes: Jurgensen, Barr, Foreman, West, Yohey; abstain: Toney; absent: Forrester, motion carried.

MINUTES OF REGULAR SESSION

September 20, 2011

COUNCIL COMMENTS

Council Lady Jurgensen stated she would like to thank staff and citizens for coming and supporting the new zoning amendments. Council Lady Jurgensen stated she would like to congratulate the new Town Manager and thank the Mayor and Vice-Mayor for representing the town at the grand opening of a new business in town.

Council Lady Barr stated she would like to welcome the new Town Manager.

Councilman Foreman stated he would like to remember September 11th, it was a very important day and he would like to thank all the public servants; the sons, daughters, brothers, sisters and parents who serve and are still fighting the fight.

Councilman Foreman stated September 11th was also Constitution Day and he heard tonight "a house divided", he would like to start with "we the people". Councilman Foreman stated the Constitution is 127 years old, the original Constitution had 4500 words, quite a document, quite a day of observance.

Councilman Toney stated he would like to take a minute to thank several people, Mr. Tkac, Chief Forker, and Mr. Taber for the "school zone" signs around Dumfries Elementary. Councilman Toney congratulated Mr. Taber, stating he knows he will do an excellent job, because he is doing an excellent job.

Vice-Mayor West welcomed Mr. Taber as the new Town Manager and stated she thinks the citizens will be pleased. Vice-Mayor West thanked Ms. Sandlin, Mr. Moss and all who worked on the ordinance information.

Mayor Yohey stated after all that has been said it sounds like "Dan's the man."

ADJOURN


Council Lady Jurgensen moved to adjourn at 10:25 PM, seconded by Council Lady Barr, ayes: West, Toney, Foreman, Barr, Jurgensen, Yohey; absent: Forrester, motion carried.

Minutes submitted by



Retta Ladd
Deputy Town Clerk

Approved by


for Fred Yohey
Mayor